IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1785 OF 1998

Prakash Prabhakar Parate .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

Mr.R.K.Mendadkar for petitioner

Mr.C.R.Sonawane, A.G.P. for State.

CORAM : A.P.SHAH AND

S.C.DHARMADHIKARI, JJ.

DATE : 4TH OCTOBER 2004.

P.C.

1. Heard Advocates.

2. By this petition, petitioner is seeking to quash and set aside the order passed by respondent No.2 Committee for Scrutiny and Verification of Tribe Claims, Nagpur dated 29th

December 1997. Petitioner was granted caste certificate by the competent authority as belonging to Halba Schedule Tribe in the year 1990. In the year 1993, Maharashtra Public Service Commission had advertised posts of clerk-typist. Petitioner had applied and was selected for the said post. Letter of appointment dated 15th June 1995 was issued to petitioner. Petitioner joined the services of respondent No. on 10th July 1995. Thereafter, caste certificate of petitioner was forwarded to respondent No.2 Committee along with documents produced by petitioner, including documents pertaining to his great grand father, grand father, maternal grand father and paternal aunt describing their social status as Halba/Halbi. Some of the documents are preceding the first Presidential Order of 1950. By the impugned order, respondent No.2 Committee rejected the caste claim of petitioner and invalidated his caste certificate.

3. We have heard Mr.Mendadkar, learned Counsel for petitioner and Mr.Sonawane, learned A.G.P. for respondents. We have also gone

through the order of the Scrutiny Committee. It appears that petitioner produced as many as 54 documents before the Committee. All these documents are compiled in a chart which is annexed to the petition as Exh."B" collectively. The order of the Committee however, does not discuss or consider the documentary evidence produced before it. The Committee has listed 10 documents in the impugned order and even those documents including document pertaining to petitioner's great grand father dating back to year 1912, were not properly analysed. It appears that the Committee has picked up one solitary entry as Koshti of the year 1951 and ignored the entries right from the year 1912 showing the caste as Halba/Halbi in respect of paternal and maternal relatives of petitioner. These documents which are preceding the Presidential Order have been completely overlooked by the Committee. Under the circumstances, the order of the Scrutiny Committee cannot be sustained. The impugned order of the Committee is therefore, quashed and set aside. The matter is remitted back to the Scrutiny Committee for fresh consideration of the

caste claim on merits. It is needless to say that the Committee while deciding the claim of petitioner shall consider the entire documentary evidence produced by petitioner. All contentions on merits are left open. Petition is disposed of accordingly.

4. The Scrutiny Committee is directed to decide the caste claim as expeditiously as possible and in any event within six months from today. Petitioner is directed to appear before the scrutiny committee on 1st November 2004.

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